

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEVIN L. BOOT,

Petitioner,

v.

JAMES KEY ,

Respondent.

CASE NO. 2:20-cv-00943-RSM

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

Having reviewed the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, any objections or responses to that, and the remaining record, the Court finds and ORDERS:

(1) The Court ADOPTS the Report and Recommendation.

(2) This matter is DISMISSED WITHOUT PREJUDICE so petitioner may present his unexhausted Grounds 1, 3, 4, and 5 in state court and then return to federal court to file a new habeas petition containing all of the claims.

(3) Petitioner is DENIED issuance of a certificate of appealability.

(4) The Clerk is directed to send copies of this Order to the parties and to Judge Tsuchida.

1 Dated this 29th day of December, 2020.

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4 RICARDO S. MARTINEZ
5 CHIEF UNITED STATES DISTRICT JUDGE
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